

JAN 18 2006

In the United States Patent and Trademark Office

Appn. Number: 10/712,281
Appn. Filed: November 12, 2003
Applicants: Ibara, et al.
Title: Page Holder Enabling Unencumbered Manual Page Turning
Examiner/GAU: Amy J. Sterling/3632

San José, January 18, 2006

Pre-Appeal Brief Request for Review

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 20, 2005, please review the above application as follows:

REMARKS: Remarks begin on page 2 of this Request.

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REMARKS—General

The battle to control sheet music in the wind has vexed musicians for centuries. The crux of the problem is simply this: the more securely the pages are retained against the wind, the more impossible a timely page-turn becomes. Furthermore, page retention is lost during page turning. Applicants' revolutionary discovery is that, *under very specific conditions*, the two need no longer be mutually exclusive. Our invention enables page turning under effective retention.

Applicants will show that the independent claims define the invention patentably over the prior art.

Note Regarding Reference to Papers of Record

Applicants were not able to determine "paper numbers" assigned to the present file, despite viewing the application on the PTO website. Communications received from the PTO contain blank "Paper Number" fields. Papers will thus be referenced here by their respective dates.

The Rejection of Claims 1, 3, 4, 10, 11, 13, and 14 on Pannu Overcome

The O.A. rejected claims 1, 3, 4, 10, 11, 13, and 14 on Pannu. Applicants request reconsideration of this rejection for the following reasons:

- (1) The present invention, as claimed in independent claims 1 and 11, shows novel physical structure over Pannu.
- (2) The method of the present invention, as claimed in independent claim 11, is not analogous to Pannu.
- (3) These novel physical features of claims 1 and 11 produce new and unexpected results, and hence are unobvious and patentable over this reference.

The Reference and Differences of the Present Invention Thereover

Applicants' discovery is that a range of tension exists wherein pages can be *immediately turned under retention*. This range is very specific, and essential to the invention's results. A tension

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setting that is too low will not retain pages against the wind. A tension setting that is too high will damage the page when turning is attempted. Pannu's book holder makes no provision for this tension range, nor any mention of page turning—since, like all previous page holders, the reference is a device for retention only.

The exact range of strength which applicants employ to enable page turning under retention will vary by size and thickness of paper. For this reason, independent claims 1 & 11 describe this tension as “a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning.” (The precise range specified in dependent claims 7 & 17 is most effective for standard, 20# paper.)

The last Office Action (mailed October 20, 2005) states that the “patent to Pannu discloses...a tensioning mechanism...set at a predetermined strength being sufficiently strong to retain pages in an open position yet sufficiently light to enable page turning” (page 3). The O.A. has improperly quoted from applicants' independent claims 1 & 11 to define the reference. The present invention's limitation of this specific tension strength is not met by Pannu, and so applicants respectfully request withdrawal of this rejection.

**The Novel Physical Features of Claims 1 and 11 Produce
New and Unexpected Results and Hence Are Unobvious
and Patentable Over This Reference Under § 103**

Applicants submit that the novel physical features of claims 1 and 11 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Pannu, or any combination of prior art.

These new and unexpected results are the ability of applicants' device to retain pages in an open position while enabling immediate, secure page turns. This results in a dramatic decrease in time, effort, and complexity. Applicants' page holder is therefore vastly superior to that of

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Pannu, or any possible combination of prior art. The novel features of applicants' apparatus and method which effect these differences are, as stated, clearly recited in claims 1 and 11.

Applicants have previously submitted arguments against obviousness. (See Amendment A, faxed October 20, 2004, pages 9-11.) These arguments were made against a previous prior-art reference (Holm), but are completely applicable to the present reference. Applicants would add that the commercial evaluation cited on page 9 of that paper was documented on videotape, which was mailed to the PTO in October, 2004. The delight and amazement of the professional musicians who participated are empirical evidence of unobviousness.

**Pannu and Pagano Do Not Contain Any Justification to
Support Their Combination, Much Less in the Manner Proposed**

The O.A. rejected claims 2 and 12 on Pannu in view of Pagano, since Pagano's book support uses clamps. Arguments against such a combination of references have been made previously in Amendment A (faxed October 20, 2004), on pages 11-15. While these arguments addressed the previous prior-art reference (Holm), their essential principles are still applicable.

**Pannu and Johnson Do Not Contain Any Justification to
Support Their Combination, Much Less in the Manner Proposed**

The O.A. rejected claims 5 and 15 on Pannu in view of Johnson, since Johnson retracts duck decoys with a reel biased by an elastic band. This rejection was answered by the passage referenced in the previous paragraph.

**Pannu and Sherratt, et al Do Not Contain Any Justification to
Support Their Combination, Much Less in the Manner Proposed**

The O.A. rejected claims 6, 7, 16, and 17 on Pannu in view of Sherratt, et al, since the latter reference shows a winding mechanism with a tension adjustment control. This rejection was answered by Amendment A, faxed October 20, 2004 (pages 15-17).

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**Applicants' Use of PVDF Produces a Synergism Greater
Than the Respective Results of Pannu and Hashimoto, et al**

The O.A. rejected claims 8, 9, 18, and 19 on Pannu in view of Hashimoto, et al, since the latter reference discusses PVDF as used to prevent deterioration of the mechanical properties of the line. This rejection was answered by the paper referenced in the above paragraph, pages 17-18.

**Pannu and Capper Do Not Contain Any Justification to
Support Their Combination, Much Less in the Manner Proposed**

The O.A. rejected claim 20 on Pannu in view of Capper, since the latter reference discloses a clipboard. The O.A. stated that "it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Capper to have made the book holding device as a clipboard to hold a book or loose pages in place." This rejection was answered in the above-referenced Amendment A, on pages 18-19.

**The Dependent Claims Are a Fortiori
Patentable Over Pannu and Other References**

Superseding the above discussions of combined references, dependent claims 2 to 10 and 12 to 20 incorporate all the subject matter of claims 1 and 11 respectively, and recite additional subject matter which makes them a fortiori and independently patentable over these references.

See Amendment A (faxed October 20, 2004), pages 20-22 for detailed discussion of this additional subject matter.

CONCLUSION

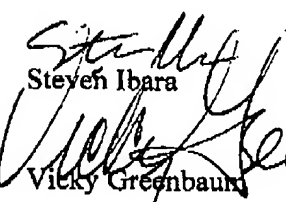
For all the above reasons, applicants submit that the specification and claims are in proper form, and that the claims all define patentably over the prior art. Therefore they submit that this application is in condition for allowance, which action they respectfully solicit.

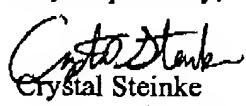
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Conditional Requests for Constructive Assistance Unanswered

Applicants have made two written requests for the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the application might be placed in allowable condition as soon as possible and without the need for further proceedings. Applicants have received no response to these requests, which appeared in documents faxed on October 20, 2004 and May 7, 2005. Applicants hereby renew this request.

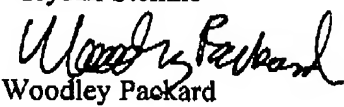
Very respectfully,


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Certificate of Facsimile Transmission. I certify that on the date below I will fax this paper to the Central Fax Number of the U.S. Patent and Trademark Office at (571) 273-8300.

January 18, 2006